

REMARKS

The present amendment is filed with a Request for Continuing Examination, and is responsive to the Office Action mailed in the above-referenced case on May 31, 2002, made Final. Claims 1-20 are standing for examination.

In the Office Action the Examiner has maintained the rejection of claims 1-2, 6-7 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (U.S. 5,983,218), hereinafter Syeda.

The Examiner states that, regarding applicant's independent claim 16, Syeda discloses the limitations of applicant's claim including accessing and rendering media from multimedia files in a data repository, limiting access to preselected media files, but that Syeda does not disclose the code set of applicant's claim for accessing and rendering media code from multimedia files in a data repository or software modules providing functionality for an Interactive Multimedia Application (IMA) and the Interactive Multimedia Viewer (IMV). The Examiner further states that Syeda, however, can perform accessing and rendering media from multimedia files stored in a data repository and provides the interactive dialogue for accessing and rendering multimedia data, and it would have been obvious to include the code set of applicant's claim to perform said accessing and rendering and the Interactive Multimedia Viewer.

In the previous response filed by applicant on March 21, 2002, applicant argued that Syeda does not disclose the code set in the program of accessing and rendering media from multimedia files in a data repository, and the rejection of the claim is based on conjecture on the Examiner's part. The Examiner responds

to applicant's argument in the Response to Arguments section, stating that since Syeda discloses said accessing and rendering, and it was well known that any program has to be written by programming codes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated code set into the invention of Syeda to produce applicant's invention.

Applicant respectfully, but strongly traverses the Examiner's position regarding the above subject matter recited in applicant's claim. To paraphrase the Examiner's above statement regarding applicant's code set limitation, the Examiner's argument seems to be that, since Syeda uses a code set, which is software, in practice of the invention, it would have been obvious to add the claimed functionality of the software of applicant's invention to the software of the invention of Syeda to produce applicant's claimed invention.

Applicant argues that the code set of applicant's claim has functionality that is clearly not anticipated or suggested in the prior art of Syeda. Regarding applicant's claim 16, applicant argued in the last response that Syeda fails to disclose a method for assembling, or building an interactive multimedia application, as claimed, and therefore, the editing in Syeda comprising elimination of duplicates, clearly cannot read on applicant's editing function as claimed in claim 16. The Examiner states in response that Syeda discloses integrating information from multimedia database sites in response to the queries via interactive dialogue between the Web client and multimedia databases, and since Syeda discloses integrating multimedia via the user interaction with the server, Syeda teaches applicant's claimed limitation of assembling an interactive multimedia application. Applicant asserts there is a clear and unarguable distinction between manual integration of multimedia via user interaction with server, such as is taught in Syeda, and building and customizing an interactive media application be a programmed code set, such as is taught in applicant's invention.

Further, regarding the step in claim 16 of joining the selected and edited modules to form the Interactive Multimedia Application, applicant argued in the previous response that, in the invention of Syeda, the information rendered to users after illuminating duplicates or updating data clearly does not imply the step as claimed by applicant. In response the Examiner states in the instant Office Action that the editing step as claimed is for programming limitations restricting access by the IMV to preselected multimedia files, and that Syeda discloses illuminating duplicate multimedia files, therefore, Syeda discloses limitations restricting access to preselected multimedia files as claimed by eliminating one multimedia file and accessing only one multimedia file in case there are duplicate files.

Applicant again respectfully traverses the Examiner's position, and argues that duplications which are eliminated by editing in the art of Syeda are not preselected multimedia files, as is claimed, but rather; the duplications are selected for elimination as they occur, and then eliminated by the editing process. Therefore a clear distinction exists between the related teachings that Syeda and applicant's claim limitation in claim 16.

In view of applicant's above arguments presented on behalf of claim 16, particularly pertaining to the fact that the unique capabilities and functionality of applicant's code set as recited in claim 16 are clearly not obvious in the code set of Syeda, applicant strongly believes claim 16 is patentable over the prior art. Claims 17-19 are then patentable on their own merits, or at least as depended from patentable claim.

The Examiner maintains the rejection of apparatus claim 1 based on the reasoning applied to method claim 16. Applicant believes that in view of applicant's above arguments on behalf of claim 16, and that claim 1 recites substantially the limitations of claim 16, including the meaning and functions of those limitations, claim one is also clearly and unarguably patentable over prior

art. Claims 2-5 are then patentable on their own merits, or at least as depended from a patentable claim.

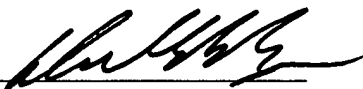
Applicant's claim 6 recites a programming application for creating an interactive media application in accordance with embodiments of the present invention as claimed in claims 1 and 11, and is therefore also patentable in view of the above facts and arguments presented by applicant. Claims 7-10 are then patentable on their own merits or at least as depended from a patentable claim.

As all of the claims standing for examination as amended have been shown to be patentable over Syeda, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Version With Markings to Show Changes Made

No Amendments to the claims are herein made in this present response.

Respectfully Submitted,
Christopher Clemmett Macleod Beck et al.

by 
Donald R. Boys

Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457